

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Jessica Zarrow
Respondent

Civil Citation No. 69903
7909 Eastdale Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 2, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 307, failure to maintain premises in a rat-free condition and to eliminate rat harborages, rat holes, rat runs, failure to rat proof shed; section 13-4-201, 13-7-309 310, failure to remove dog feces on a daily basis , failure to immediately begin baiting for rats at back corner and both sides of shed on residential property zoned DR 10.5 known as 7909 Eastdale Road, 21224.

On November 9, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish, and for a repeat offender property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205.

B. Photographs in the file show a significant quantity of dog feces on the pavement and in the grass. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Photographs in the file also show large rat holes, indicating an active rat infestation in the yard, at the top of the back steps and under the shed. The property owner has not responded to the County's notices and there is no evidence that Respondent has taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. Respondent is also required by law to rat-proof or remove the shed. County Code Section 13-7-307.

D. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if Respondent corrects the violation by picking up dog feces on a daily basis, and by exterminating the rats and abating all rat harborage.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects the violations by December 30, 2009 by picking up dog feces on a daily basis, and taking appropriate steps to exterminate the rats.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer